



## **KANSAS DEPARTMENT OF HEALTH & ENVIRONMENT**

### **PROCEDURE FOR REQUESTING A WAIVER TO INSTALL A WELL CLOSER THAN 25 FEET FROM PROPERTY LINE AND/OR CLOSER THAN 50 FEET FROM NEAREST SOURCE OF CONTAMINATION (FOR WELLS CONSTRUCTED AFTER JULY 2, 1974)**

#### **Procedure #: WWP-2**

#### Narrative:

The purpose of this guidance is to outline what is required by the Kansas Department of Health and Environment (KDHE) when requesting a waiver for a well to be located closer than 25 feet from nearest property line and/or closer than 50 feet from nearest source of contamination. The following elements should be included in the waiver request. The waiver request will be reviewed by KDHE and the appropriate parties will be notified of KDHE's approval or denial of the waiver request.

#### Procedure:

1. The waiver request must be submitted to KDHE in writing and shall contain all information relevant to the request, as required under K.A.R. 28-30-9.
2. A thorough and detailed explanation of why a waiver is needed must be provided. KDHE, in most cases, will not grant waivers for wells to be located less than 25 feet from property lines and/or less than 50 feet from a contamination source when the well owner has adequate space to construct the well, on his property, to meet the two footage requirements. For existing wells already completed and not having a waiver, water well records (WWC-5 forms) must be received by KDHE prior to KDHE approving a waiver request.
3. The well owner's name and address must be provided. The well owner must sign and date the request for waiver. The waiver request must also be accompanied with a signed letter from the adjacent property owner who is located less than 25 feet away of the proposed well. The contents of the letter should inform KDHE that the adjacent property owner releases any future recourse.
4. A drawing, sketch or a map must be attached to the request showing the locations of the wells and pertinent features in the vicinity such as roads, buildings, parking lots, property lines, etc. The names and addresses of adjacent property owners within 25 feet of the proposed well or within 50 feet from the nearest source of contamination must be attached to the drawing, sketch or map.
5. The number of wells to be covered by the waiver request must be submitted with the request for waiver.
6. The location of the well(s) shall be accurately described using the correct legal description, defining the wells to the nearest 10 acre tract. If the proposed wells are located on city lots, the wells should be described as being in certain lots and subdivisions. The section, township, range and county the well is located in should always be on the request.

7. The request should be made 30 days prior to the actual beginning date of the project. The request for waiver must be pre-approved by the appropriate city, county, groundwater management district and/or the local environmental protection group. Documentation of the pre-approval must be provided with the waiver request.
8. If a waiver is granted by KDHE, a copy of the letter authorizing the request must be sent to KDHE attached to the water well record (WWC-5 form) of the first well drilled under the granted waiver.
9. Upon ceasing completion of use of the wells covered by the waiver, the wells shall be plugged in accordance with K.A.R. 28-30-7.
10. The decision to grant this waiver is based almost entirely on the data provided in your request. The waiver is to cover only the wells mentioned in your request and shall become null and void if any of the information submitted in the request is found to be false or if the wells are not constructed in strict conformity to Kansas rules and regulations and the above mentioned stipulations.